



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,748	09/12/2003	Simon Tong	53051/288069	8166

7590

03/28/2006

John S. Pratt, Esq.
Kilpatrick Stockton LLP
Suite 2800
1100 Peachtree Street
Atlanta, GA 30309

EXAMINER

PARDO, THUY N

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

e

Office Action Summary	Application No.		Applicant(s)	
	10/661,748		TONG ET AL.	
	Examiner		Art Unit	
	Thuy Pardo		2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 and 42-53 is/are rejected.
- 7) ☒ Claim(s) 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/5/04; 3/3/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 41 is missing. Correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-40 and 42-53 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. For instance, the content of these claims is limited to an abstract idea, and does not constitute a statutory process, machine, manufacture or composition of matter in which the statutory process must result in a physical transformation in a computer system.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Yadav et al. (Hereinafter "Yadav") US Patent application Publication No. 2004/0186828.

As to claim 1, Yadav teaches the invention substantially as claimed, comprising:

- (a) receiving a search query [202 of fig. 2A];
- (b) determining a first related query related to the search query [identify the keywords and operators of the query, and identify synonyms and related words of each key word, 204, 206 of fig. 2A; 0046];
- (c) determining a first article associated with the search query [fig. 6-fig. 9; 0048];
- (d) determining a first ranking score for the first article based at least in part on data associated with the first related query [score 24 for Doc #1, fig. 9; 0067-0069].

As to claim 2, Yadav teaches the invention substantially as claimed. Yadav further teaches that the data associated with the first related query comprises a total selection score for the first related query [fig. 7-8].

As to claim 3, Yadav teaches the invention substantially as claimed. Yadav further teaches that the total selection score comprises a total number of users that selected a result returned for a search for the first related query [fig. 9].

Art Unit: 2165

As to claim 4, Yadav teaches the invention substantially as claimed. Yadav further teaches the data associated with the first related query comprises an instance score for the first related query [0060-0068].

As to claim 5, Yadav teaches the invention substantially as claimed. Yadav further teaches that the instance score comprises a number of instances the first article was shown in a search result for the first related query [0060-0068].

As to claim 6, Yadav teaches the invention substantially as claimed. Yadav further teaches that the data associated with the first related query comprises a selection score for the first article [fig. 9].

As to claim 7, Yadav teaches the invention substantially as claimed. Yadav further teaches that the selection score for the first article comprises selections made in search results for the first related query in a context of the search query [0044-0046].

As to claim 8, Yadav teaches the invention substantially as claimed. Yadav further teaches that the total selection score for the first related query comprises selections made in search results for the first related query in a context of the search query [fig. 3-9; 0044-0046].

As to claim 9, Yadav teaches the invention substantially as claimed. Yadav further teaches that the instance score for the first related query comprises selections made in search results for the first related query in a context of the search query [fig. 3-9; 0044-0046].

As to claim 10, Yadav teaches the invention substantially as claimed. Yadav further teaches that the number of instances the first article was shown in a search result for the first related query comprises instances shown in a context of the search query [0060-0068].

As to claim 11, Yadav teaches the invention substantially as claimed. Yadav further teaches that the related query data associated with the first related query comprises a second selection score for a second article associated with the first related query [0068-0069; fig. 9].

As to claim 12, Yadav teaches the invention substantially as claimed. Yadav further teaches that determining the first article associated with the search query comprises determining the first article associated with the search query and with the first related query [0016].

As to claim 13, Yadav teaches the invention substantially as claimed. Yadav further teaches determining a first selection score for the first article when associated with the first related query, and wherein determining the first ranking score for the first article based at least in part on data associated with the first related query comprises determining the first ranking score for the first article based at least in part on the first selection score [fig. 4; 801-803 of fig. 8].

As to claim 14, Yadav teaches the invention substantially as claimed. Yadav further teaches determining an initial search result for the search query, the initial search result comprising the first article; and determining that a search result for the first related query comprises the first article [ab; fig. 9].

As to claim 15, Yadav teaches the invention substantially as claimed. Yadav further teaches that the first article comprises a representation of the first article [ab; 0049; 220 of fig. 2B].

As to claim 16, Yadav teaches the invention substantially as claimed. Yadav further teaches the representation of the first article comprises a uniform resource locator [0068].

As to claim 17, Yadav teaches the invention substantially as claimed. Yadav further teaches that determining the first ranking score for the first article when associated with the first related query comprises determining a number of times the first article was selected when presented in search results for the first related query [218 of fig. 2B; fig. 9].

As to claim 18, Yadav teaches the invention substantially as claimed. Yadav further teaches that determining the number of times the first article was selected when presented in search results for the first related query comprises determining a number of clickthroughs for the first article when presented in search results for the first related query [218 of fig. 2B; fig. 9].

As to claim 19, Yadav teaches the invention substantially as claimed. Yadav further teaches that determining the first ranking score for the first article comprises: determining a first initial ranking score for the first article when associated with the search query and calculating a mathematical function comprising the first initial ranking score and the first selection score [fig. 7; 0059-0063].

As to claim 20, Yadav teaches the invention substantially as claimed. Yadav further teaches that calculating the mathematical function comprising the first initial ranking score and the first selection score comprises combining the first initial ranking score and the first selection score, weighted with at least one weighting factor [0062; fig. 4, 6, 7].

As to claim 21, Yadav teaches the invention substantially as claimed. Yadav further teaches that calculating the mathematical function comprising the first initial ranking score and the first selection score comprises combining the first initial ranking score and the first selection score, normalized with at least one normalization factor [0062].

As to claim 22, Yadav teaches the invention substantially as claimed. Yadav further teaches that determining a second article associated with the search query; and (f) determining a second ranking score for the second article based at least in part on data associated with the first related query [fig. 4].

As to claim 23, Yadav teaches the invention substantially as claimed. Yadav further teaches ranking the first article and the second article based at least in part on the first ranking score and the second ranking score.

As to claim 24, Yadav teaches the invention substantially as claimed. Yadav further teaches providing a search result for the search query having the first article and the second article ranked according at least in part to the first ranking score and the second ranking score.

As to claim 25, Yadav teaches the invention substantially as claimed. Yadav further teaches determining a second related query related to the search query, and wherein determining the first ranking score for the first article is further based at least in part on data associated with the second related query [0016; 0061].

As to claim 26, Yadav teaches the invention substantially as claimed. Yadav further teaches that determining the first related query further comprises determining a query previously made consecutively with the search query [0016; 0040].

As to claim 27, Yadav teaches the invention substantially as claimed as specified in claim 1 above, with the exception of program codes. However, this feature is inherent in the system in order to implement these functions.

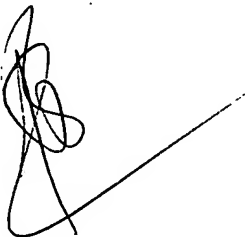
As to claims 28-40 and 42-53, these claims are apparatus claims of claims 1-26 above, therefore, these claims are rejected under the same rationale.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 23, 2006

A handwritten signature in black ink, appearing to be 'Thuy N. Pardo', with a long horizontal line extending to the right.

THUY N. PARDO
PRIMARY EXAMINER